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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/823,202 | 04/13/2004 | Chuen-Jong Tseng | CU-3681 RJS | 4050 |

26530 7590 04/25/2005

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EXAMINER

D ADAMO, STEPHEN D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3636

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/823,202 | TSENG, CHUEN-JONG | |
| | Examiner | Art Unit | |
| | Stephen D'Adamo | 3636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Handwritten mark resembling a stylized 'A' or '1'.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitt (6,485,100) in view of Cohen-Fyffe (D502,039).

Hitt discloses an "outdoor chair cover" comprising a chair unit including a seat member , a leg unit, a backrest and two armrests. Further, Hitt teaches of a cushion body including a seat cushion portion 20, a back cushion portion 30 and two arm cushion portions 40, 50 connected respectively to the left and right sides of the seat cushion portion. Hitt also discloses a connecting device 38, 48, 58 for connecting detachably the cushion body to the chair unit. The connecting device includes two side connecting units on the arm cushion portions 48, 58 comprising of hook and loop fasteners. One of the two mating elements is located proximate the seat cushion portion and the other mating element is located distal from the seat cushion portion. The connecting device also includes a back connecting unit 38 for positioning the back cushion portion on the backrest. The back connecting unit is a strap connected fixedly to a rear side of the back cushion portion and include hook and loop fasteners at both ends 34, 35 for attachment. Moreover, the cushion body includes two marginal portions connected respectively to the arm cushion portions. Specifically, the second fastening unit, the mating hook and loop fastener that

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is distal the seat cushion portion, of each of the side connecting units is attached to the marginal portions. However, Hitt fails to expressly disclose that the arm cushion portions are adapted to cover the armrests. Yet, Cohen-Fyffe discloses a seat cover for a high chair. The high chair includes a seat member, a back member, leg members and a pair of armrests. Furthermore, the seat cover includes a seat cushion portion, a back cushion portion and two arm cushion portions. The arm cushion portions are adapted to cover the armrests. Further, as disclosed in Figure 3, the armrest cushion portions have a hook and loop mating portion on a distal and proximate side from the seat cushion portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the outdoor chair cover of Hitt with arm cushion portions that are adapted to cover the armrests, as taught by Cohen-Fyffe, for providing a more comfortable chair cover. Note, the attachment and/or connecting units are the same for both Hitt and Cohen-Fyffe.

Regarding claim 5, Hitt teaches of a back strap 38, which is used to help hold the chair cover in place. Hitt fails to expressly disclose a similar strap attached to the seat cushion portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a similar strap 38 on the seat cushion portion, since it has been held that rearranging parts of an invention and the mere duplication of the essential working parts of a device involves only routine skill in the art.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hitt (6,485,100) in view of Cohen-Fyffe (D502,039) in further view of Collins (6,848,743) or Sowell et al. (5,678,888).

Hitt discloses an “outdoor chair cover” comprising a chair unit including a seat member , a leg unit, a backrest and two armrests. Further, Hitt teaches of a cushion body including a seat cushion portion 20, a back cushion portion 30 and two arm cushion portions 40, 50 connected respectively to the left and right sides of the seat cushion portion. Hitt also discloses a connecting device 38, 48, 58 for connecting detachably the cushion body to the chair unit. The connecting device includes two side connecting units on the arm cushion portions 48, 58 comprising of hook and loop fasteners. One of the two mating elements is located proximate the seat cushion portion and the other mating element is located distal from the seat cushion portion. The connecting device also includes a back connecting unit 38 for positioning the back cushion portion on the backrest. The back connecting unit is a strap connected fixedly to a rear side of the back cushion portion and include hook and loop fasteners at both ends 34, 35 for attachment. Moreover, the cushion body includes two marginal portions connected respectively to the arm cushion portions. Specifically, the second fastening unit, the mating hook and loop fastener that is distal the seat cushion portion, of each of the side connecting units is attached to the marginal portions. Cohen-Fyffe teaches of arm cushion portions that cover the armrests. However, neither Hitt nor Cohen-Fyffe teach of an alternative embodiment that uses snaps instead of hook and loop attachment elements. Yet, Both Collins and Sowell et al. teach of seat covers comprising a seat cushion portion, a back cushion portion and two arm cushion portions. Further, the arm cushion portions are adapted to cover the armrests and use connecting units for connecting detachably the seat cover to the chopping cart. The connecting units include male and female snap fasteners. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to modify the connecting device of the arm cushion portions of Hitt and Cohen-Fyffe with snap fasteners, as taught by Collins and Sowell, for providing a different means of connecting detachably the seat cover to the chair or seat.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Norman (6,851,749), Reeves et al. (6,164,726), Solano (5,056,533), Saiger (4,828,320), Rodtz, Jr. (2,797,743), Selverstone (1,934,615) and Allen et al. (D500,612) all show various features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 571-272-6857. The examiner can normally be reached on Monday-Friday 6:00-2:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SD

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April 11, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600